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ABSTRACT

This teacher's guide is designed to accompany the videotape "Democracy and Right's: One Citizen's Challenge." The videotape takes a case-study approach toward understanding rights. It examines the story of Ernest Green, one of nine black students who helped integrate Central High School in Little Rock, Arkansas in 1957. Green's case illuminates principles of constitutional rights. The goals of the videotape and teacher's guide are to: (1) improve student understanding of what rights are, where they come from, and how they are enforced; (2) examine in-depth one person's struggle to attain the right to a free and equal education; and (3) increase student awareness of their role in maintaining their rights in a democratic society. The guide contains three activities that involve class discussions and small-group work. Student handouts are provided. The active learning approach encourages students to go beyond recognition or knowledge of facts to begin analyzing, synthesizing, and evaluating the issues and concepts under study. (LH)

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Guide for the Instructor

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Democracy and Rights

One Citizen's Challenge

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The videotape "Democracy and Rights: One Citizen's Challenge" is a joint production of Close Up Television and Video and the Smithsonian Institution.

Winner of the 1990 Media and Methods *First Place Award, Social Studies Film/Video Division*

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To the Instructor

"You can't do this to me. I've got my rights." Students often make such a remark, yet few actually know what a "right" is, where it comes from, or how it can be enforced. The United States Constitution is a primary source of citizens' rights. Understanding the rights and responsibilities of citizens found in the Constitution is of vital importance for students today. The Close Up Foundation and the Smithsonian Institution have developed this videotape to help students more fully comprehend the nature of their rights in a democratic society.

About the Video

The thirty-minute videotape takes a case-study approach toward understanding rights. It examines the story of Ernest Green, who in 1957, was one of nine black students who helped integrate Central High School in Little Rock, Arkansas. Green's case demonstrates some important principles underlying the study of constitutional rights: where rights originate, how they are enforced, and what one citizen can do to claim his or her rights. The videotape also illustrates the conflicts that can occur when competing groups assert their rights and how these conflicts are a fundamental characteristic of our democratic government.

About the Guide

This guide is designed to provide your students with a conceptual overview of the nature of rights. The guide is composed of three activities, each of which emphasizes a different aspect of rights in the United States. An outline of the guide is as follows:

- Activity 1: What Are Rights?
- Activity 2: The Little Rock Episode
- Activity 3: The Role of the Citizen in Protecting Rights

The guide also provides you with additional suggestions for making this a successful and enjoyable learning experience. The teaching strategies and activities contained in the guide can be used in a variety of ways. Feel free to develop or adapt the activities to suit your teaching style, the needs of your students, and the amount of time you have to cover each topic.

Goals

The goals of this video package are:

1. to improve student understanding of what rights are, where they come from, and how they are enforced.
2. to examine in-depth one person's struggle to attain the right to a free and equal education.
3. to increase student awareness of their role in maintaining their rights in a democratic society.

Student Activities

The activities are designed to provide a variety of educational experiences for your students. Please note that none of the activities follow a traditional lecture format. Rather, all of the activities involve class discussions or small group work. This active learning approach forces students to go beyond mere recognition or knowledge of the facts to begin analyzing, synthesizing, and evaluating the issues and concepts under study.

Tips on Leading Effective Class Discussions

All of the activities in this guide involve class discussion. Adhering to a few simple procedures will increase the effectiveness of your discussions. First, structure class discussions so they are just that, not a dialogue between the teacher and a few students. Most students are so accustomed to seeing the teacher as the only source of knowledge in the classroom that they do not listen to other students. Make a special point of encouraging students to interact directly with each other rather than with you.

Second, sequence your questions so that more students can participate. Use Bloom's Taxonomy to help you develop your questions. Sequencing is extremely important because it develops a concept or idea from rudimentary to more sophisticated.

Third, incorporate "wait time" into your discussion periods. Teachers should wait for all students to respond to a question and, if students cannot respond successfully, they should rephrase the question.

Tips on Conducting Small Group Work

Small group work comprises an important component of the activities in this guide. Stress the need for students to listen, to solicit opinions from all group members, to focus on issues and not personalities, to focus on the assigned topic and task, to resolve conflicts, to move the discussion along, and to probe what others mean. Indicate to students that they should work to guarantee that everyone in their group participates. After the activity, include an examination of this aspect so students understand that how they work together is as important as the conclusions they reach.

Activity 1
What Are Rights?

Objectives

After completing this activity, students should be able to:

1. define what are rights.
2. distinguish between natural or human rights and legal rights.
3. list legal and human rights they possess as members of a school, society, and nation.

Procedure

1. Write on the board the following quote from the Declaration of Independence:

"We hold these truths to be self-evident, that all men...are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

After students have had the opportunity to read the quote, lead them in a discussion on the nature of rights by asking where the quote came from and who wrote it. Broaden the discussion by asking the following questions. Be sure to write all responses on the board so students can compare answers.

- What did Jefferson mean by "unalienable Rights"? (You may want to ask a student to look up "unalienable" in the dictionary and read the definition to the class.)
- What did Jefferson mean by the "pursuit of Happiness"?
- How would you define "pursuit of Happiness" today? Do you have an unalienable right to pursue happiness as you define it? Should there be limits on that right?

2. Distribute Student Handout #1 and have students complete the handout in class. Ask students how they answered the question in the handout. Write some of the responses on the board. Attempt to come up with a class definition of rights.

3. Now that you have a definition of rights, ask students the following questions and list their responses on the board under the appropriate heading. Do students see any similarities or differences between the lists?

- What rights do you have as a student?
- What rights do you have as a member of your community?
- What rights do you have as a citizen of the United States?
- What rights do you have as a human being?

4. Distribute Student Handout #2. Using the definitions in the handout, have students categorize the rights listed on the board as either human rights or legal rights. Ask students to explain the difference between the two. Can a right be both a human right and a legal right? Wrap up the discussion by asking students if they think their original perception of what a right is has changed. If so, how?

Additional Suggestions

1. Have part of the class conduct a survey of students who are *not* taking this class. They should ask students to list at least five rights Americans enjoy under the U.S. Constitution. Have the group summarize its findings and report back to the rest of the class.

2. Ask students to write a brief scenario of what life might be like if there were no police force, no legislature, no courts, or no authority figures at all in the United States. Ask students to draw conclusions about the enforcement of rights in the United States from their scenarios.

3. Have students research the evolution of rights from the time of the Greek philosophers to the present. Students can create a timeline listing what they think are the most important events, theories, or individuals in the evolution of rights.

Activity 2
The Little Rock Episode

Objectives

After completing this activity, students should be able to:

1. describe the background, events, and significance of the integration of Central High School by nine black students.
2. describe ways in which rights can be asserted or claimed when those rights have not been legally recognized or are being violated.
3. analyze the impact of the Little Rock episode on future claims to rights.

Procedure

1. Before showing the videotape, have students read Student Handout #3. Review the boldface terms with the class and answer any questions your students might have about the Little Rock episode.

2. Point out to the class that the videotape they are about to see is a case study of one person's struggle for rights in the United States. Explain to the class that they should view the tape with a critical eye. First, review with your students some of the concepts about rights you covered in Activity 1 and instruct them to watch for these concepts in the tape. Second, have students jot down any questions that might occur to them while they are watching the tape. Third, while viewing the tape, students should refer to Student Handout #3 as a reminder of who the key players are in the Little Rock story.

3. After viewing the videotape, lead a discussion on the impact of the Little Rock episode. Questions to consider include:

- What avenues of redress did the nine black students use in asserting their rights? Could the students have obtained their rights any other way?
- What risks did the black students take in asserting their rights? What personal qualities do you think the nine black students possessed that enabled them to claim their rights?
- In that same situation, would you have been willing to take those risks? Why or why not?
- Could such an incident happen in America today? Why or why not?

Additional Suggestions

1. Ask students to write two pages in an imaginary diary kept by Ernest Green during the time he attended Central High School.

2. Have students pretend that it is 1957 and they are the parents of a high school student in Little Rock. Tell them that they are each to write a letter to the editor of a local newspaper about school integration.

3. Have students do further research on the issues surrounding the Little Rock desegregation episode. Some topics might include the *Brown* v. *Board* decision, the civil rights movement of the 1940s and 1950s, and other school desegregation battles being fought at that time.

Activity 3

The Role of the Citizen in Protecting Rights

Objectives

After completing the activities, students should be able to:

1. identify three major conflicts in rights in the Little Rock episode, name the players involved, and describe the outcome of the conflict.
2. identify conflicts in rights that exist in society today and the players involved.
3. analyze the techniques used by certain groups today to gain their rights.
4. explain the role of the citizen in protecting and enforcing rights.

Procedures

1. Divide the class into small groups and distribute one of the Conflicts in Rights sheets found in Student Handout #4. Each group is to consider one of the three conflicts in government that emerged during the Little Rock episode: majority rights versus minority rights, federal law versus states' rights, and the idea of rights versus the reality of rights. Each group should pick a leader who will read the handout and its instructions to the rest of the group. Encourage the students to discuss each question and to reach a consensus on the exercise.

2. After the groups have completed their work, bring the class together and have each group present its conflict and its findings to the class. List these on the board. Discuss with the class how each conflict relates to the Little Rock episode.

3. Explain to students that similar conflicts in government continue today. Ask students if they can identify examples of such present-day conflicts. Examples might include:

- students' right to privacy versus the right of school administrators to enforce antidrug policies
- rights of the unborn versus the right of a woman to choose
- the right of an AIDS patient to continue working versus the right of workers to a disease-free environment

4. Broaden the discussion by asking students to identify other conflicts in rights that exist today. Possible examples might include claims by the homeless to a right for adequate housing, the right of working mothers to day-care facilities for their children, or the right of persons with incurable disease to refuse medical treatment. Who are the players in these areas of conflict? What techniques are being used by these groups to assert their rights? What do students think will be the outcome of these conflicts in rights?

5. Distribute copies of Student Handout #5. Ask students to summarize what each speaker is saying about the role of the citizen in a democratic society. Wrap up the discussion by asking students what role they think they can play to prevent rights from being infringed upon or to expand rights in the future.

Additional Suggestions

1. Have students clip articles from newspapers and magazines on current issues surrounding rights in America. Encourage students to read the articles and post them on the bulletin board in your classroom. Using the clippings, have your class write letters to their members of Congress, state legislators, or local officials expressing a view on current legislation that may affect their present or future rights.

2. Have students write a brief critique of the current administration's civil and human rights policies. Do they agree or disagree with these policies? Why?

3. Obtain copies of the following documents: the Constitution of the Soviet Union, the Universal Declaration of Human Rights, and the Bill of Rights. Have students list the rights they find in each document and from this list create a Bill of Ten Basic Rights for a new nation. Students should be prepared to explain why they chose the ten rights they did.

Student Handout #1

What Is a Right?

Directions:

After reading the following passage, answer the question in the space provided.

"You can't do that to me! I've got my rights!" You often hear people make such remarks, but do you really know what a "right" is?

Webster's Dictionary defines a right as "that which a person has a just claim to," a power or privilege "that belongs to a person by law, nature, or tradition." The first part of this definition—"that which a person has a just claim to"—means to many people that their own individual standards of fairness determine what they think are their rights. But one person's belief that a right exists does not necessarily mean another person is bound to respect it.

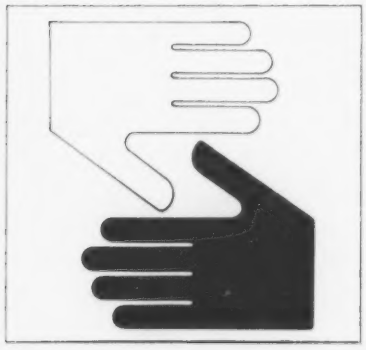
Consequently, the second part of *Webster's* definition—"that belongs to a person by law, nature, or tradition"—is equally important. A right is something that is supported by law, nature, or tradition—and can therefore be enforced against others. Individuals can claim rights that are based on their own sense of fairness, but without the support of law, nature, or tradition, government may not recognize or enforce those rights.

Using the information you have just read, define what a right is in your own words.

Student Handout #2

Human and Legal Rights

Where do rights come from? Are you born with them, or does government give them to you?



Human rights

Human rights are based on the principle that all human beings by nature have certain rights *as human beings*—they are part of being human. These rights are higher than any human political system. They do not come from government. Since they do not come from government, government cannot legitimately take them away. But since they do not come from government, government does not always protect them, either.

Legal rights

Legal rights come from the laws, statutes, and court decisions of a society's government. A right is a legal right when it is protected by law. However, if government gives a right, government can also take that right away.

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Student Handout #3

Showdown at Central High

Directions: **Read the following description of the Little Rock episode and be prepared to define the boldface terms.**

Soldiers with fixed bayonets met **Ernest Green** on his first day of school. The governor had ordered the state's National Guard units to surround the local high school, preventing Green and eight fellow students from enrolling. Three weeks later, the president of the United States ordered more than 1,000 paratroopers from the U.S. Army's 101st Division to escort Green and his friends to class. Why all the fuss to make sure a kid goes to school?

Ernest Green was one of the **"Little Rock Nine,"** the first black students to attend Central High School in Little Rock, Arkansas. When they tried to enroll at Central High in September 1957, the students asserted a right guaranteed to them by the Supreme Court three years earlier. In its historic 1954 decision, ***Brown* v. *Board of Education of Topeka***, the Supreme Court declared that segregated schools were unconstitutional, ending decades of discrimination against blacks.

Before *Brown*, many states had black codes or Jim Crow laws, enacted after the Civil War to keep the races separate. Blacks believed that these laws treated them as inferiors. In 1896, a black man named Plessy challenged these laws. However, the Supreme Court ruled in ***Plessy* v. *Ferguson*** that such laws did not violate the constitutional right of black people under the Fourteenth Amendment to "equal protection of the laws." In *Plessy*, the Supreme Court upheld the doctrine of **"separate but equal,"** which meant that segregated facilities for blacks were constitutional if they were supposedly equal.

In fact, schools for blacks were hardly ever equal to schools for whites. And in the *Brown* case the Supreme Court ruled that "separate educational facilities are inherently unequal," overturning *Plessy* and the doctrine of "separate but equal." Three years after *Brown*, however, schools throughout the country were still segregated.

In Little Rock, the school board announced that it would obey the *Brown* decision. But many white parents did not think black students had a right to go to school with their children, no matter what the Supreme Court had decided. They withdrew their children from Central High School when they found out it was to be integrated in the fall of 1957. On the first day of school, Arkansas Governor **Orval Faubus** called out the state National Guard to prevent the black teenagers from entering Central High, claiming a danger of violence.

Nonetheless, the black students attempted to go to school the next morning. They met with **Daisy Bates,** the president of the Arkansas NAACP (National Association for the Advancement of Colored People), so they all could leave for school together. White segregationists gathered at Central High to harass the black students when they tried to enter. One of the students, **Elizabeth Eckford,** did not know where to meet the others and had to face the mob by herself when she arrived at the school. The National Guard did nothing to protect her as she was swarmed by the angry mob. The other black students failed to get past the National Guard as well.

Having turned back the Little Rock Nine, Governor Faubus kept the National Guard posted at Central High and called for an indefinite postponement of the school's integration, thereby defying a federal court order. It was a showdown between the power of the state and the power of the national government. Faubus claimed that the court order violated states' rights: what right did the federal court have to tell the state of Arkansas how to run its schools?

U.S. Representative **Brooks Hays,** who represented Little Rock in Congress, tried to convince Faubus to support the *Brown* decision and recognize the power of the federal government. Hays helped arrange a meeting between Governor Faubus and President **Dwight Eisenhower,** who also tried to persuade the governor to stop his delaying tactics and cooperate with the federal courts. Faubus still refused. Finally, the federal district court judge who had ordered the desegregation of Little Rock schools ordered Faubus to remove his armed forces from around the high school. Faubus complied with the order.

But when the black students attempted yet again to attend classes at Central High, they were met by still another mob of segregationists who overwhelmed Little Rock police. President Eisenhower federalized the Arkansas National Guard and replaced it with units of the army's famous 101st Airborne Division to protect the Little Rock Nine and enforce the court's integration order. "Mob rule cannot be allowed to override the decisions of our courts," the president declared.

During the Little Rock crisis, Ernest Green learned the difference between the idea of a right and having a right in reality. The Supreme Court's decision in *Brown* promised Green the right to attend an integrated school, but that right wasn't enforced until federal troops escorted him to class. Ernest Green learned that individuals must often take risks to protect their rights. And in doing so, they protect the rights of others.

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Student Handout #4

Conflicts in Rights: Majority Rights versus Minority Rights

> One of the tests of a democracy is the ability of people in the country to accept—at least for the moment—decisions of the courts and pronouncements of Congress. If the Supreme Court decides that there must be racial integration of public education, that there is to be no school prayer, or that a woman has the right to an abortion, obviously some people will be upset by these decisions. Those who are offended by the Supreme Court's opinions must realize that those opinions are—at least for the present—the law of the land. Our system dictates that we live with those opinions and accept them as law and then go about trying to change them if we don't like them.
>
> *—A.E. Dick Howard, Professor of Law and Public Affairs, University of Virginia Law School*

A democracy is a government in which the people rule, either directly or through their elected representatives. The fundamental principle of a democracy is majority rule. However, Congress, the courts, and other government institutions must sometimes pass laws and make decisions that go against the "will of the people" to guarantee that the rights of the minority are protected.

1. Cite examples of the conflict between majority rights and minority rights in the Little Rock episode.

2. Who were the players in this conflict and what were the goals of each group?

3. What was the outcome of this conflict?

Student Handout #4

Conflicts in Rights: Federal Law versus States' Rights

> There are two reasons why the Court's decision must be supported. First, the power of the federal government is stronger than the power of [Arkansas Governor] Orval Faubus, and second, it [desegregation] is right.
>
> —*Brooks Hays, Representative from Arkansas (1943-59)*

A fundamental principle of American government is federalism, which holds that the federal government shares power with state governments. This principle is based on the Tenth Amendment to the Constitution, which says: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." However, this amendment is also the source of arguments for states' rights. Advocates of states' rights believe that state governments can exercise any power not expressly granted in the Constitution to the federal government. Advocates of states' rights sometimes come into conflict with the federal government when Congress or the courts attempt to force local communities to accept new rules or regulations.

1. Cite examples of the conflict between the federal law and states' rights in the Little Rock episode.

2. Who were the players in this conflict and what were the goals of each group?

3. What was the outcome of this conflict?

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Student Handout #4

Conflicts in Rights: Idea of Rights versus the Reality of Rights

> My parents and grandparents had raised my consciousness about rights, but when I was growing up they had a difficult time explaining to me the idea of rights and the reality of rights. Rights were things that some people had and I didn't. For example, it was irrational to me that one person could drink out of a public water fountain but I couldn't. I felt like I was being denied something. I wanted to step up to the table and participate in what I thought were my guaranteed rights as a citizen.
>
> —*Ernest Green*

Throughout American history, many individuals and groups have felt they were being denied their rights based on principles expressed in the Constitution, Bill of Rights, Declaration of Independence, and other historic documents. For example, political movements to obtain the right to vote for women and civil rights for blacks have grown out of a perception that certain fundamental rights were being denied. Sometimes, conflicts occur because of different perceptions about what constitutes a right, who is entitled to it, and how that right is enforced or interpreted by society as a whole.

1. Cite examples of the conflict between the idea of rights and the reality of rights in the Little Rock episode.

2. Who were the players in this conflict and what were the goals of each group?

3. What was the outcome of this conflict?

Student Handout #5

Rights and the Role of the Citizen

One ought to think of rights not as something that is conveyed by government but as something that citizens themselves produce. Although rights come partly from the Constitution and partly from the political process, one has to realize that rights have to be worked for to be maintained. One should never assume that members of Congress, judges, and other public officials will be generous in their interpretation of individual rights....Citizens have to be constantly vigilant. It is one of the lessons of American history that you never take the process or the results for granted.

—A.E. Dick Howard, Professor of Law and Public Affairs, University of Virginia Law School

The ability of the citizen to change things is almost boundless under our system. Most of the great advances that we have made in social, economic, and political issues have come about because citizens have realized their authority and have exercised it.

—William J. Brennan, Jr., Associate Justice of the Supreme Court

Individual rights can only be achieved if you are willing to assert them and struggle for them.

—Ernest Green

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